

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-------------------------|---|----------------------|
| SEAN KING, |) | |
| |) | |
| Plaintiff, |) | 8:04CV318 |
| |) | |
| v. |) | |
| |) | |
| WEST CORPORATION, |) | MEMORANDUM AND ORDER |
| A Delaware Corporation, |) | |
| |) | |
| Defendant. |) | |

Trial of this case is currently scheduled for the week of March 20, 2006. Previously, in objecting to a continuance of the December 2, 2005 deadline for filing summary judgment motions, the plaintiff expressed serious concern that extending this deadline would delay the scheduled trial.

This court granted a continuance of the December 2, 2005 summary judgment deadline pending a ruling on the class certification motions. To address the plaintiff's concern about delay, that order further provided:

Within fifteen days after Magistrate Judge Piester rules on the class certification issue, the parties shall meet and confer regarding the progression of the case, including the deadline for filing summary judgment motions, and shall either jointly or, if an agreement cannot be reached, severally file a report outlining the scheduling deadlines to be entered for final resolution of the case.

Filing 149 at p. 4 ¶ 2.

I have now recommended that no class be certified. Organizing evidence and pursuing summary judgment and/or

preparing for a trial between only the named plaintiff and the defendant should be substantially more manageable. I shall therefore issue a progression order without first requiring the parties to confer as required under paragraph 2 of the filing 149 order.

Pursuant to the authority granted under NEGenR 1.1(c), in the interests of justice and a prompt disposition of this case, I shall also order a briefing schedule on the motion for summary judgment which deviates from the deadlines otherwise set by this court's local rules.

IT THEREFORE HEREBY IS ORDERED:

1. Paragraph 2 of the order set forth in filing 149 is set aside.
2. The parties Joint Motion to Extend the Deadline for Pretrial Exchange of Exhibits, Deposition Testimony and Motions in Limine, filing 166, is denied.
3. Motions for Summary Judgment shall be filed on or before February 2, 2006, with any responsive briefs and/or evidence filed on or before February 21, 2006. Reply briefs shall not be filed except upon leave of the court for good cause shown.
4. The Pretrial Conference, currently scheduled for February 12, 2006, is continued to March 10, 2006 at 9:00 a.m.

DATED this 13th day of January, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge